IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
WRIT PETITION NO. 1028 OF 1994

Anil S/o.Gangadhar Bidwai . .. Petitioner

Versus

The State of Maharashtra
and Ors. ... Respondents

None for Petitioner.

Mr. P.P. Kakade, A.G.P. for Respondent Nos. 1 to 3.

CORAM : F.I. REBELLO &
DR. D.Y. CHANDRACHUD,JJ.
DATED : 20TH SEPTEMBER, 2005

P.C.

. Petitioner's services came to be terminated. The present petition is to challenge the said order of termination and for the writ of mandamus. The Petitioner was working in the office of the District Judge, Nanded. As there was no posting of the Judicial Officers on account of transfer of judicial officers, the services of the Petitioner came to be terminated. His main grievance is that subsequently the juniors have been taken back but not the Petitioner.

. An affidavit has been field on behalf of the High Court in which it is pointed out that the Petitioner was initially appointed on 18.11.1988 as Junior Clerk in District Court Latur. He applied for transfer to Nanded. In terms of the procedure, permission was granted and he joined Nanded on 12.12.1989. After he had given undertaking which included that he would not claim any seniority over the incumbents of the cadre in which he will be taken up in the judicial district and that he will rank below the last continuously officiating

incumbent in the cadre on the date of his joining the said cadre. It is pointed out that on account of transfers, there was surplus of staff and the services of these staff have to be terminated. The affidavit discloses as to why petitioner's services have to be terminated. The present termination being on account of surplus of staff, article 311 would not apply. We however, note that on 15.6.1990 interim relief was granted directing Respondent No. 2 to reinstate and continue the services of the Petitioner forthwith.

. When the matter is called out, none present for the Petitioner. Hence, Petition dismissed. Rule discharged. No order as to costs.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)